

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARTIN CORTES SALCEDO,

Plaintiff,

v.

SHASTA COUNTY SHERIFF, et al.,

Defendants.

No. 2:19-cv-2627-EFB P

ORDER

The above-captioned case is before the undersigned pursuant to the consent of all parties. *See* ECF Nos. 5, 23, 35; 28 U.S.C. § 636(c)(1). Defendants Cortez and Rabone filed a motion to for summary judgment, originally noticed for hearing on April 7, 2021. ECF No. 37. Plaintiff did not file an opposition or statement of non-opposition as required by Local Rule 230(c).<sup>1</sup> Accordingly, the hearing was continued to April 28, 2021, and plaintiff was ordered, by no later than April 14, 2021, to file an opposition to the motion, or a statement of non-opposition thereto. ECF No. 38. Plaintiff was also admonished that failure to comply with the order could result in the imposition of sanctions, including dismissal for failure to prosecute and/or comply with court orders. *Id.* at 1-2.

---


<sup>1</sup> Local Rule 230(c) provides that opposition to the granting of a motion, or a statement of non-opposition thereto, must be served upon the moving party, and filed with this court, no later than fourteen days preceding the noticed hearing date. Local Rule 230(c) further provides that “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if opposition to the motion has not been timely filed by that party.”

1 The deadline has passed and plaintiff has not filed a response to defendants' summary  
2 judgment motion, nor has he otherwise communicated with the court.

3 Accordingly, it is ORDERED that:

- 4 1. The April 28, 2021 hearing on defendants' summary judgment motion is VACATED.
- 5 2. This action is DISMISSED for failure to prosecute and to comply with court orders.  
6 See Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110.
- 7 3. The Clerk is directed to close the case.

8 DATED: April 15, 2021.

9   
10 EDMUND F. BRENNAN  
11 UNITED STATES MAGISTRATE JUDGE  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28